

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

DAMON ANTOINE GAITHER, \*

Petitioner,

v. \*

U.S. DISTRICT COURT  
MAY 26 PM 3:37  
CLERK'S OFFICE  
BY DEPUTY  
Civil Action No.: RDB-16-2043  
Criminal No.: RDB-03-0456

UNITED STATES OF AMERICA,

\*

Respondent.

\* \* \* \* \*

**MEMORANDUM ORDER**

Now pending before this Court is Petitioner's Motion to Vacate Judgment under 28 U.S.C. § 2255 (ECF No. 84). Petitioner seeks vacatur of his 18 U.S.C. § 924(c) conviction. By agreement of counsel, the Defendant Gaither entered a plea of guilty on this date to a Superseding Criminal Information (ECF No. 106) and proceeded to sentencing pursuant to Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure to a 240-month sentence. For the reasons set forth on the record on this date, in criminal case number RDB-03-0456, and with that sentence having been imposed, this Court now GRANTS the Motion to Vacate (ECF No. 84). Accordingly, said Motion to Vacate is GRANTED and the civil case, *Gaither v. United States*, Civil No. RDB-16-2043, shall be CLOSED.

IT IS HEREBY SO ORDERED THIS 26TH DAY OF MAY, 2020.

*R.D. Bennett*  
Richard D. Bennett  
United States District Judge